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To: Microsoft ATR,antitrust@usdoj.gov@inetgw
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Subject: MS is found GUILTY and gets away w/"MURDER"!

BAD SETTLEMENTS WILL LEAD TO FURTHER COURT ACTIONS, WHICH MEANS MORE RESOURCES AND MONEY WILL BE EXPENDED IN THE FUTURE TO CORRECT THE CURRENT MISTAKE!!!!

HOW CAN MS WIN WHEN IT LOST THE TRIAL AND THE APPEAL??????

December 17, 2001

For Microsoft, a Season of Triumph

By STEVE LOHR

or most technology companies, the fall of 2001 was a season to forget, with its deepening sales slump, losses and layoffs. But for Microsoft (news/quote), it was a time of triumph, even some vindication. In the federal antitrust case that Microsoft fought so long, with so little success, things turned in the company's favor when the Bush administration decided to settle in November.

Within weeks, Microsoft announced a settlement with plaintiffs in more than 100 private class-action antitrust suits. To be sure, protests remain. Some states that sued Microsoft are urging a federal judge to toughen provisions of the settlement with the Justice Department, and there are objections to the class-action deal. A European investigation also continues, although Microsoft says it wants to settle that case as well. In all, however, Microsoft has made rapid, dramatic strides toward finally putting its antitrust troubles behind it.

The proposed settlement in the crucial federal case is widely seen as a Microsoft victory. It would not restrict the company's product designs, allowing Microsoft to fold software into its Windows operating system for potentially huge new markets, including online shopping, personal identification and downloading music and movies over the Internet. Those features are found in the recently released Windows XP.

And the drastic sanction of splitting Microsoft up the remedy championed by the Clinton administration, and approved by a lower court judge, but regarded quite skeptically in a federal appeals court ruling in June was rejected by the Bush administration.

But the settlement terms do require Microsoft to share technical information with competitors and industry partners more openly. In addition, Microsoft would be prohibited from bullying other companies with anticompetitive contracts.

Some Microsoft rivals and industry commentators argue that the case could do a lot to encourage

competition, by forcing Microsoft to change its corporate behavior.

Microsoft's legal team is certainly echoing the behavioral theme. "The client has learned a lot through all this," said William H. Neukom, the tall, silver-haired general counsel and legal field general in Microsoft's antitrust battles.

Mr. Neukom, 60, is stepping down next year, and his designated successor, Bradley P. Smith, suggested that priorities for Microsoft would be to establish a "strong track record of compliance" with the settlement order and to "strengthen our ties with the rest of the industry."

But legal pressure is not the only thing forcing Microsoft to change. Technology trends notably the spread of Internet technology are equally responsible.

Over all, investment in technology may have slowed, but Bill Gates, the Microsoft chairman, believes that some cooling off may be healthy. With the get-rich-instantly mentality of the dot-com bubble gone, Mr. Gates said, chatting with journalists in October, "I think the environment for doing major research and development real innovation is better now than it was before." Certainly it is for Microsoft, which is sitting on \$36 billion in cash.

Microsoft is putting some of its capital to work by investing heavily in the development of "Web services," mainly clever software sent over the Internet to automate all kinds of business and personal tasks. A company's data will be linked with a supplier's to replenish needed parts automatically, for example. Or a person's scheduling data, stored on a PC or hand-held computer, will interact with the dentist's data to set up an appointment or with an airline to arrange travel.

To realize these goals will require open communications in software, which raises privacy and security issues that must be resolved. The move will also require businesses to form partnerships and trusted relationships with other companies. This will mean a change of many corporate cultures, including Microsoft's.

Consequently, over the next several years, it will be very difficult to determine the legacy of Microsoft's antitrust conflicts, because so many other forces will also be shaping the company and the industry.

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